

FILED

UNITED STATES COURT OF APPEALS

APR 11 2012

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

KAREN GOLINSKI,

Plaintiff - Appellee,

v.

UNITED STATES OFFICE OF
PERSONNEL MANAGEMENT and
JOHN BERRY, Director of the United
States Office of Personnel Management, in
his official capacity,

Defendants,

and

BIPARTISAN LEGAL ADVISORY
GROUP OF THE U.S. HOUSE OF
REPRESENTATIVES,

Intervenor-Defendant -
Appellant.

No. 12-15388

D.C. No. 3:10-cv-00257-JSW
Northern District of California,
San Francisco

ORDER

KAREN GOLINSKI,

Plaintiff - Appellee,

v.

UNITED STATES OFFICE OF
PERSONNEL MANAGEMENT and

No. 12-15409

D.C. No. 3:10-cv-00257-JSW
Northern District of California,
San Francisco

JOHN BERRY, Director of the United
States Office of Personnel Management, in
his official capacity,

Defendants - Appellants,

and

BIPARTISAN LEGAL ADVISORY
GROUP OF THE U.S. HOUSE OF
REPRESENTATIVES,

Intervenor-Defendant.

Before: CANBY and FISHER, Circuit Judges.

The Bipartisan Legal Advisory Group's (BLAG's) motion to dismiss appeal no. 12-15409 is denied without prejudice to its raising the issue in its brief in that appeal. The issue of the court's jurisdiction over both these appeals will be addressed by the panel that considers this matter on the merits.

The United States Office of Personnel Management's motion to consolidate and expedite these appeals is granted. These appeals are consolidated. Briefing in this matter shall proceed as follows: BLAG shall file its opening brief in no. 12-15388 on or before June 4, 2012; responsive briefs are due July 3, 2012 for plaintiff (answering brief in no. 12-15388) and for the other federal defendants (answering brief in no. 12-15388 and nominal opening brief in no. 12-15409); on

or before July 17, 2012, BLAG may file a reply brief in no. 12-15388 and answering brief in no. 12-15409 and plaintiff may file an answering brief in no. 12-15409. On or before July 31, 2012, the government may file a reply in appeal no. 12-15409 limited to the jurisdictional issue. No motions for extension of time will be entertained absent a showing of extraordinary circumstances and the provisions of Ninth Circuit Rule 31-2.2(a) shall not apply to these appeals.

BLAG's motion for a stay pending the court's disposition of the petition for an initial hearing en banc is denied. BLAG may file a response to the petition on or before May 2, 2012. The petition and BLAG's response, if any, will be referred to the court for its consideration. Absent a subsequent order granting the petition, it will be deemed denied and the Clerk will calendar this matter for argument before a three-judge panel during the week of September 10-14, 2012, in San Francisco. If the petition is subsequently granted, a new schedule for briefing and argument will be established.